

VZCZCXYZ0009
OO RUEHWEB

DE RUCNDT #0458 1582139
ZNR UUUUU ZZH
O 072139Z JUN 07
FM USMISSION USUN NEW YORK
TO RUEHLB/AMEMBASSY BEIRUT IMMEDIATE 1062
RUEHC/SECSTATE WASHDC IMMEDIATE 2034

UNCLAS USUN NEW YORK 000458

SIPDIS

SIPDIS

E.O. 12958: N/A

TAGS: [KCRM](#) [LE](#) [PREL](#) [PTER](#) [UNSC](#)

SUBJECT: LEBANON TRIBUNAL - UN PREPARES TO SET IT UP

¶1. Summary. As June 10, the date of entry into force of the Lebanon Tribunal Agreement, approaches, the UN Secretariat is gearing up to put arrangements in place for its full implementation. In a June 6 meeting, UN Office of Legal Affairs (OLA) officials described preparations for the Tribunal. They focused on the importance of identifying a seat for the court as soon as possible and noted their ongoing consultations with the Government of Lebanon, the other party (with the UN) to the Agreement. End Summary.

¶2. USUN Legal Adviser and Political officer met June 6 with UN Assistant Secretary General for Legal Affairs, Larry Johnson and Legal Officer Mark Quarterman to discuss implementation of SC Res. 1757, which will bring the agreement establishing a Special Tribunal for Lebanon into force on June 10. In anticipation, OLA has set up a task force and identified the "next steps". Johnson mentioned that Robin Vincent, former Registrar of the Sierra Leone Special Court, has prepared a paper outlining the elements that will need to be addressed. Among the most important are the seat, budget and selection of judges.

¶3. (SBU) Tribunal Seat - Johnson said that first and foremost is the question of the seat of the Tribunal. UN Legal Counsel, Nicolas Michel, has been discussing possible sites with the Lebanese Prime Minister's office. The location will affect costs, staffing, security etc. Related factors will be security, availability of court room facilities and witness protection. Johnson mentioned that due to Lebanon's proximity to Europe, OLA is considering whether a European capital would agree to host the Tribunal. He mentioned The Netherlands, Italy Switzerland, Austria, and Cyprus as possibilities. Noting that some, but not all, Lebanese officials have raised objections to Cyprus as a potential location, Johnson said OLA awaits a formal indication from the GOL of which locations it does not think are appropriate to host the tribunal. He stressed that no contact would be made with foreign governments until after June 10, and that once the UN had identified a site and talked to the host government, it would send an assessment mission to determine how much it would cost to base the tribunal in that city.

¶4. (SBU) Budget - Asked about budget estimates, Johnson repeated that the costs would be driven by the location but that once a seat has been determined, it will not take long to produce a budget along the lines of the Sierra Leone Court model. Next week, OLA plans to approach the UN Comptroller to discuss setting up a Trust Fund to receive voluntary contributions. It will also be necessary to identify members of the Management Committee, which will follow budget and administrative matters. The U.S. is a member of the Sierra Leone Special Court Management Committee and we expressed an interest in serving on this one as well. Underscoring that the U.S. among other possible donors, would need estimates of start-up and ongoing costs for the tribunal as soon as possible in order to try to help identify contributions, USUN

noted that for internal purposes we had looked to the budget of the Sierra Leone Court as a guide. Johnson said OLA could not endorse any budget estimates until it had decided on a seat for the tribunal, but he and Quarterman agreed that the cost of the Sierra Leone Court adjusted for the likelihood that the court will be based in Europe (vice Africa) is the best guide we currently have.

¶15. (SBU) Judges - OLA is consulting with the Lebanese on the process and timing of the appointment of judges. Ambassador Wolff stressed, in a separate conversation with Legal Counsel Michel, the importance of calibrating the timing of UN and Lebanese appointment of judges. Agreeing, Michel said that he would be speaking to Justice Minister Rizk on this issue. On the basis of these contacts, the UN anticipates that the appointment of Lebanese judges can be achieved in a timely fashion. OLA recognizes that security constraints may affect the transparency of the selection process.

¶16. (SBU) Johnson noted that the report on efforts to establish the Tribunal, requested by Resolution 1757, is due at the end of August 30th and indicated OLA will make an all out effort in the coming weeks to address the key issues. Comment. USUN will continue to work closely with the UN Legal Office on arrangements for the Tribunal. It is clear that OLA considers this an important achievement and is committed to its complete implementation. End Comment.
KHALILZAD